

WATER / TOWN BOARD MEETING OF FEBRUARY 10, 2016

PRESENT:	Supervisor	Edward Fairbrother
	Council	Andy Gillette
		Bob Adams
		Lee Giammichele
		Mike Saglibene
	Attorney	Thomas Reilly
	Clerk	Linda Cross

Supervisor Fairbrother opened the Town Board meeting at 4:30 p.m., and requested those present to participate in the Pledge of Allegiance.

PRESENTATION – Mike Kruzen– Southern Tier Economic Growth (STEG)
Spoke from 4:30 – 5:15 p.m.

Supervisor Fairbrother temporarily suspended the Town Board meeting at 5:16 p.m., and opened the Water Board Meeting at 5:17 p.m.

NEW BUSINESS

RESOLUTION NO. 79-16
ADVERTISEMENT FOR BIDS FOR BOOSTER PUMP STATION APPROVED

Resolution by: Gillette
Seconded by: Giammichele

WHEREAS it was determined that Town of Big Flats Water Department would benefit from an alternative water supply(s) to comply with our ERP (Emergency Response Plan) so our Water Districts are provided with an uninterrupted water supply should an emergency occur, and

WHEREAS Hunt Engineering was authorized in June 2015 to engineer said project, Resolution No. 154-15, and

WHEREAS Hunt Engineering's report recommended these items be designed, purchased and installed, and

WHEREAS Hunt Engineering has prepared bid specifications for purchase, construction and installation of a booster pump station to connect with the Elmira Water Board, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6 NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Water Board authorizes the Town Clerk to advertise the aforementioned bid specifications contingent on the review and approval of the bid specifications by the Attorney for the Town.

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

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Seeing no further business, Supervisor Fairbrother closed the Water Board meeting at 5:17 p.m.

Supervisor Fairbrother reopened the Town Board Meeting at 5:18 p.m.

PUBLIC HEARING Zoning Amendment 4:32 P.M.

Supervisor Fairbrother called the public hearing to order and read the legal notice duly advertised in the Elmira Star Gazette on February 1, 2016, which allowed and considered public comments regarding the proposed Zoning Amendment for Local Law #1 to forward to the Chemung County Planning Board for review and comment, as per NYS General Municipal Law.

IN FAVOR: Patrick & Donna Dacey, 520 County Route 64, Elmira
Joyce Wheeler, 514 County Route 64, Elmira

OPPOSITION: Susan Potrzebowski, 591 Sing Sing Road, Horseheads
Randall Van Nordstrand, 28 Upson Road, Horseheads
Heidi Van Buskirk, 140 Chambers Road, Horseheads
Gordon Gardner, 82 Kahler Road, Horseheads

COMMENTS: None

Since there were no further comments, Supervisor Fairbrother closed the public hearing at 5:29 p.m.

CONCERNS OF THE PEOPLE - None

REPORTS

Supervisor Fairbrother stated the following reports for January 2016 have been received and are on file in the office of the Town Clerk:

Town Clerk's Monthly Report, Supervisor's Fund Balance Monthly Report for December 2015 Youth Department Monthly Report, Department of Public Works Monthly Report, Code and Planning Department Monthly Report, Community Center Monthly Report, Dog Control's Monthly Report.

UNFINISHED BUSINESS

RESOLUTION NO. 80-16

FORWARD LOCAL LAW #1 OF 2016, ZONING AMENDMENT TO THE CHEMUNG COUNTY PLANNING BOARD FOR REVIEW AND COMMENT, AS PER NYS GENERAL MUNICIPAL LAW, APPROVED

Resolution by: Giammichele
Seconded by: Adams

RESOLUTION NO. 80-16, FORWARD LOCAL LAW #1 OF 2016, ZONING AMENDMENT TO THE CHEMUNG COUNTY PLANNING BOARD FOR REVIEW AND COMMENT, AS PER NYS GENERAL MUNICIPAL LAW, APPROVED continued

WHEREAS, the Town of Big Flats Department of Planning staff have reviewed the Town of Big Flats Comprehensive Plan and the Town of Big Flats Town Center Strategic Plan and found reasonable facts to support the proposed Local Law #1, 2016 as submitted, and as follows:

17.04.060 Definitions

- Add the definition “Hobby Farm” to the 17.04.
 - Proposed Definition
 - **Hobby Farm** means any use accessory to the principal use involving the raising or gathering of *farm animals* for any purpose. (a) As used in this definition, *farm animals* consist of Horses, Cows, Llamas, Donkeys, Mules, Goats, Sheep, Chickens, Ducks, Geese, Turkeys, Poultry, Bee Keeping, Livestock of any kind, etc. (b) Any animal other than those commonly considered to be domestic pets such as dogs, cats, parakeets, house rabbits, aquatic and similar animals whose primary residence is inside the house located on such property which is utilized by the occupants of said property as a residence shall be considered noxious and offensive uses of property, and as such constitute a nuisance. (c) The term *farm animals* does not include agri-business, agricultural animal, agricultural plant, commercial stable, private stable, factory farm, feedlot, kennel, and slaughterhouse.

17.12.010 Use Table

- Add the accessory use “Hobby Farm” to the accessory use table and permit such use as of right only in the rural RU and conservation C zones.

WHEREAS the Town of Big Flats Department of Planning staff provided a memorandum on January 20, 2016 supporting the need for said amendment, and

WHEREAS the Town of Big Flats Planning Board has reviewed local law #1, 2016 and found the zoning amendment to be consistent with the Town of Big Flats Comprehensive Plan and the Town of Big Flats Town Center Strategic Plan, and

WHEREAS the proposed action is a Type I action pursuant to SEQR 6 NYCRR Part 617, and

WHEREAS the Town of Big Flats Town Board hereby declares themselves as lead agency for environmental review, and

WHEREAS the Town of Big Flats Town Board has considered the Full Environmental Assessment Form and other materials prepared by Town Staff and Town in support of the proposed action, has considered the comments of the Town of Big Flats Planning Board, and verbal commentary during the Town Board’s meetings pertaining to the review and evaluation of the proposed action, and

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RESOLUTION NO. 80-16, FORWARD LOCAL LAW #1 OF 2016, ZONING AMENDMENT TO THE CHEMUNG COUNTY PLANNING BOARD FOR REVIEW AND COMMENT, AS PER NYS GENERAL MUNICIPAL LAW, APPROVED continued

WHEREAS the Town of Big Flats Town Board scheduled a public hearing on local law #1 of 2016 and said hearing was held on February 10, 2016, now

BE IT THEREFORE RESOLVED this Board hereby determines, pursuant to the provisions of SEQR 6 NYCRR Part 617, that the proposed Type I action will not have a significant effect on the environment and that preparation of an Environmental Impact Statement will not be required, thereby issuing a Negative Declaration, and

FURTHER RESOLVED the Town of Big Flats Town Board shall forward proposed Local Law #1 of 2016 to the Chemung County Planning Board for review and comment, as per NYS General Municipal Law.

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

NEW BUSINESS

RESOLUTION NO. 81-16
ABSTRACT OF AUDITED VOUCHERS FOR FEBRUARY 10, 2016 APPROVED

Resolution by: Adams
Seconded by: Saglibene

RESOLVE that the Town of Big Flats approve the Abstract of Audited Vouchers for February 10, 2016, and order the bills paid, when in funds, for the following:

GENERAL FUND	\$ 33,204.65
HIGHWAY FUND	\$ 68,546.46
H12-WD 4&5 Capital Project 12	\$ 7,050.00
WATER DISTRICT #4	\$ 2,784.88
WATER DISTRICT #5	\$ 13,239.65
TRUST FUND	\$ 2,106.14

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

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RESOLUTION NO. 82-16
2016/2017 SWALE AND DRAINAGE MOWING CONTRACT WITH SOIL AND
WATER CONSERVATION DISTRICT APPROVED

Resolution by: Saglibene
Seconded by: Gillette

WHEREAS there is a need to maintain the Stormwater Facilities in the Town of Big Flats,
and

WHEREAS the Town is in need of contracting this service out, and

WHEREAS per resolution 155-14, the Town and Chemung County Soil & Water Conservation
District entered into an Inter-Municipal Agreement, and

WHEREAS the Town and District would like to renew the contract for another 2 years for
2016 and 2017, and

WHEREAS for environmental review purposes, administration is a Type II action in
accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is
necessary regarding the same, now

BE IT THEREFORE RESOLVED that the District, by this resolution, will mow the Town of
Big Flats Stormwater Facilities for the next two (2) years at a cost of \$25,000.00 per year for
the total contract price of \$50,000.00.

For the purpose of this resolution, the following terms shall be defined as follows:

The Town will:

- Provide location of the sites
- Acquire all permission from landowners for which their facilities are located
- Allow use of articulating mower if needed
- Pay a yearly fee of \$25,000.00 for the facilities to be mowed

Twice The District will:

- Provide labor, equipment, and fuel to mow Stormwater Facilities
- Provide all insurances needed to insure District personnel
- Communicate with Town when mowing will occur
- Provide mowing logs tracking hours and locations

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

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RESOLUTION NO. 83-16
INTERMUNICIPAL AGREEMENT FOR ANIMAL CONTROL SERVICES WITH THE
CITY OF ELMIRA, APPROVED

Resolution by: Gillette
Seconded by: Giammichele

WHEREAS Article 26 of the Agriculture and Markets Law of the State of New York (“Article 26”) provides for the care and protection of “animals” as that term is defined in said article, and

WHEREAS the City currently employs animal control officers to perform Article 26 services for the City, and

WHEREAS the Town and City desire to enter into an Agreement in which the Town utilizes the services of the City to perform certain animal control services pursuant to Article 26 and this Agreement, and

WHEREAS the County has agreed to pay the City for the services it will render to the Town during the term of this Agreement, and

WHEREAS this Agreement is in the best interest of the Town, the City and the County because it promotes shared services in an effort to reduce costs to the Town and the City, and

THEREFORE BE IT RESOLVED the Town Board authorizes the Town Supervisor to enter into the attached Intermunicipal Agreement for Animal Control Services for the term agreement from January 1, 2016 to December 31, 2016, with the City of Elmira

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

RESOLUTION NO. 84-16
JASON AND HEATHER BLITZ REVOLVING LOAN FUND APPROVED

Resolution by: Giammichele
Seconded by: Adams

WHEREAS the Town Board has a CDBG loan program for small businesses in the Town of Big Flats for low interest Revolving Loan Fund, and

WHEREAS an application was received from Jason Blitz and Blitz Pharmacy, Inc. 485 Maple Street, Big Flats, NY 14814 as a business consolidation loan, and

WHEREAS the Supervisor, Town Accountant and Attorney have reviewed said application and provided a recommendation that the Town Board approve a loan, and

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WHEREAS this loan will be used to refinance all existing debts for the Blitz Pharmacy Inc. located at 485 Maple Street, which will significantly lower the monthly debt payment and lead to future job expansions, and

WHEREAS for environmental purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5 (c) (20) and as such no further action is necessary regarding the same, and

WHEREAS the board has duly considered the same, now

BE IT THEREFORE RESOLVED the Town Board approves a loan from the Revolving Loan Fund to Jason Blitz and Blitz Pharmacy, Inc. for a consolidation loan in the amount of \$75,000 for the period of ten (10) years at an interest rate of one and one-half percent (1.5%), and be it further, and

FURTHER RESOLVED that this approval is conditioned upon the securing of a first mortgage interest on real properties located at 485 Maple Street, Big Flats, NY (owned by Blitz Properties, LLC) and their residence located at 251 Hibbard Road, Horseheads, NY, guarantee the loan by Heather Blitz and with a UCC filing against all medications held at 485 Maple Street, and

FURTHER RESOLVED that the Town Board authorizes the Town Supervisor to execute any and all documents with Jason and Heather Blitz, Blitz Pharmacy, Inc. and Blitz Properties, LLC to complete such loan transaction, contingent upon the review and approval of the Attorney for the Town and Attorney John P. Mustico all fees attributed to Attorney John P. Mustico to be paid by the applicant.

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

RESOLUTION NO. 85-16

PURCHASE OF 52" EXMARK MOWER FOR THE PARKS DEPARTMENT APPROVED

Resolution by: Adams
Seconded by: Saglibene

WHEREAS the Commissioner and the Deputy Commissioner of Public Works recognize the need to purchase a 52" Exmark Mower with O.C.D (Operator Control Discharge) option 1 for the Parks Department, and

WHEREAS the purchase of a 52" Exmark Mower with O.C.D option 1 was planned and \$10,000 was budgeted for purchase for the year 2016, and

WHEREAS the 52" Exmark Mower with O.C.D option is on the HGAC Buy Purchasing Solution contract #671 GR01-15 for \$9,462.00, and

RESOLUTION NO. 85-16, PURCHASE OF 52" EXMARK MOWER FOR THE PARKS DEPARTMENT APPROVED continued

WHEREAS the new Exmark Mower would be replacing two JD 1435 Mowers years 2000 and 2002 in the Parks Department, and

WHEREAS one of the JD 1435 Mowers will be sold for \$900.00 to the Water Department to be able to use for their mowing needs. The other will be surplus to help cover the cost of the Exmark Mower, and

WHEREAS for environmental review purposes, purchasing is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (25) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Commissioner and the Deputy Commissioner of Public Works to purchase 52" Exmark Mower from HGAC Buy as outlined on contract number 671 GR01-15 for the sum no to exceed \$9,462.00.

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

RESOLUTION NO. 86-16
WORKERS' COMPENSATION – SELF INSURANCE APPROVED

Resolution by: Saglibene

Seconded by: Gillette

WHEREAS the Town of Big Flats elects, pursuant to Subdivision 3-a of Section 50 of the Workers' Compensation Law, to become a self-insurer as to Workers' Compensation claims against this Municipality, and

WHEREAS that pursuant to Section 50 Subdivision 3-a of said Workers' Compensation Law, notice of such election shall be filed forthwith with the Chairman of the Workers' Compensation Board, Self-Insurance Section, and

WHEREAS this election shall become effective on January 1, 2016, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board elects Self Insurance for Workers' Compensation effective January 1, 2016 to be filed with the Chairman of the Workers' Compensation Board, Self-Insurance Section.

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

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RESOLUTION NO. 87-16
2016 SOUTHERN TIER ECONOMIC GROWTH INC. AGREEMENT APPROVED

Resolution by: Gillette
Seconded by: Giammichele

WHEREAS the Town Board has determined that an agreement with Southern Tier Economic Growth Inc. (STEG) for the purposes of providing continued economic growth and development services would be a benefit to the Town, and

WHEREAS the Town Supervisor has been appointed for a two year term to the executive board of STEG, and

WHEREAS STEG is working with the Town of Big Flats on major developments in many areas of the commercial and retail districts, along with the I86 project, and

WHEREAS the direct relationship between STEG and the Town of Big Flats has improved the economic and infrastructure of major utilities, directly benefiting the citizens of the Town of Big Flats, and

WHEREAS for environmental review purposes, administration is a Type II action in accordance with SEQRA 6NYCRR, Part 617.5(c) (20) and as such no further action is necessary regarding the same, now

BE IT THEREFORE RESOLVED the Town Board authorizes the Town Supervisor to enter into an agreement with Southern Tier Economic Growth Inc. for the purpose of providing continued economic growth and development services for calendar year 2016 at a cost not to exceed \$5,000.00 (Five Thousand dollars).

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

RESOLUTION NO. 88-16
COMMUNICATION LOG, FEBRUARY 10, 2016 APPROVED

Resolution by: Giammichele
Seconded by: Saglibene

BE IT RESOLVED that the following communications were received, accepted and filed by the Town Clerk of the Town of Big Flats and referred to the appropriate Department Head for information and/or action:

January 15, 2016

Time Warner Cable RE: 2016 Price Adjustment Correction *Referred to: Town Board, and filed with Town Clerk.*

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RESOLUTION NO. 88-16, COMMUNICATION LOG, FEBRUARY 10, 2016 APPROVED
continued

January 27, 2016

Chemung County Health Department RE: Annual Monitoring Requirements for 2016, Big Flats WD #1, PWS ID # NY0710145 *Referred to: Town Board, Water department, Department of Public Works, and filed with Town Clerk.*

February 3, 2016

Time Warner Cable – RE: February 3, 2016 Programming Notice Changes *Referred to: Town Board, and filed with Town Clerk.*

February 3, 2016

Chemung County Industrial Development Agency RE: Business who has expressed an interest in locating its operation at 326 Daniel Zenker Drive in the Town of Big Flats. *Referred to: Town Board, Code and Planning, Assessor, Water Department, DPW and filed with Town Clerk.*

February 4, 2016

Big Flats Business Association RE: Minutes for February 3, 2016 *Referred to: Town Board, and filed with Town Clerk.*

CARRIED: AYES: Gillette, Giammichele, Adams, Saglibene, Fairbrother
NAYS: None

Supervisor Fairbrother also comments on other General Item:

- Assessing update, working on grant for scanning, meeting next Tuesday 2/16/16
- Spoke about fees and how it is going with water, parks and community center
- Citizen preparedness program at the Community Center, February 17, 2016 at 6:00 pm
- Chemung County Sheriff office will hold a neighborhood crime and safety meeting, on February 25, 2016, 7:00 p.m., at the Big Flats Town Hall large meeting room.
- HVAC in Town Hall IT server room, working on to making room cooler.
- IT with the county update to Windows 10
- New World program update, meeting next Thursday
- LED final meeting, waiting to see the changes in the utility bills
- Grant for cameras in the Town Court, was granted to them today.
- Water to hospital possible – Water needed on the Northside of the highway.
- NYC next week, please text if you need something
- I86 / STEG progress URI/CFA money
- Parks Program with Big Flats Elementary 4th graders – May 18, 2016 at the Community Center, including our Parks commission
- Parks, signs and parks committee
- Website updates – will contact CCC and Elmira College for an IT intern interest.
- Understanding shared services and my position

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Supervisor Fairbrother made a motion, seconded by Councilperson Giammichele to enter into a executive session for legal advice from the Town Attorney. All in favor, motion carried

Supervisor Fairbrother reconvened the Town Board meeting at 6:54 pm

Councilperson Adams made a motion, seconded by Councilperson Giammichele to adjourn the Town Board meeting at 6:58 p.m. All in favor, motion carried.

Date approved: _____ Linda Cross
Town Clerk